

Attorney Docket No. 12390-P1

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Continued Examination Under 37 C.F.R. 1114

1. The Examiner has acknowledged the entry of Applicant's Request of Continued Examination filed October 27, 2005.

Double Patenting Rejections

2. The Office Action has provisionally rejected pending claims 1, 53, and 84 on the grounds of obviousness-type double patenting over claim 20 of copending U.S. Patent Application No. 11/051,100. The Office Action has further provisionally rejected claim 16 on the grounds of obviousness-type double patenting over claim 1 of copending U.S. Patent Application No. 10/170,675. (The "'100 and '675 applications").

Applicants respectfully request that the Examiner withdraw the provisional double patenting rejections. M.P.E.P. 804.I.B.1 states that:

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. If the ODP rejection is the only rejection remaining in the later-filed application, while the earlier-filed application is rejectable on other grounds, a terminal disclaimer must be required in the later-filed application before the rejection can be withdrawn.

Applicants' application is the earlier-filed of the '100 and '675 applications. Currently, the '675 application is rejected on other grounds. The '100 application has yet to be examined. Applicants will consider filing a terminal disclaimer in the '100 and '675 applications, if appropriate, upon consideration of otherwise allowable claims in the respective applications. However, the present

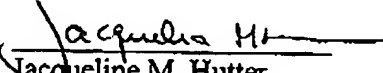
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application should be allowed to issue as a patent without the filing of a terminal disclaimer in accordance with the above-referenced M.P.E.P. provision.

CONCLUSION

In view of the above Remarks it is respectfully stated that the claims are in condition for allowance. Applicants respectfully seek notification of same.

Respectfully Submitted,


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